

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 670 final.

Brussels, 15 October 1982.

## PROPOSAL FOR A COUNCIL REGULATION (EEC)

prolonging the provisional anti-dumping duty on certain  
chemical fertilizer originating in the United States of  
America

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(submitted to the Council by the Commission)

COM(82) 670 final.



# EXPLANATORY MEMORANDUM

By Regulation (EEC) No. 1976/82 of 19 July 1982 as amended by Regulation (EEC) No. 2302/82 of 18 August 1982, the Commission imposed provisional anti-dumping duties on certain chemical fertilizers originating in the United States of America. The maximum period of validity of this measure is four months and the Community's Anti-dumping Regulation (EEC) No. 3017/79 requires the Commission to submit a proposal, either for definitive measures or for an extension of the duty, to the Council not later than one month before the expiry of the provisional measure.

The duties were imposed following the withdrawal from the price undertakings offered by the exporters concerned during the previous procedure.

Since the imposition of the duties the Commission's services have commenced their reexamination of this matter. Due to the complexity of this investigation and to the fact that a major American producer has only recently expressed its willingness to meet with the Commission's services in the investigation, it has not been possible to complete it and thus to submit a proposal for definitive measures based on the full facts of the case.

The Commission has notified therefore the exporters known to be concerned of the intention to extend the provisional duty for a further period of two months and these exporters did not object.

In these circumstances, the Commission submits the attached proposal for a Council Regulation extending the provisional anti-dumping duty on certain chemical fertilizers originating in the United States of America for a further period not exceeding two months.



PROPOSAL FOR A  
COUNCIL REGULATION (EEC)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979, on protection against dumped or subsidized imports from countries which are not members of the European Economic Community (1), as amended by Council Regulation (EEC) No 1580/82 of 14 June 1982 (2), and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, by its Regulation (EEC) No 1976/82 (3), amended by Regulation (EEC) No 2302/82 (4), the Commission imposed provisional anti-dumping duties on certain chemical fertilizer originating in the United States of America and exported by Allied Corporation, Transcontinental Fertilizer Company and Kaiser Aluminium Domestic and International Sales Corporation;

Whereas the examination of the facts is not yet complete; whereas the Commission notified the exporters known to be concerned by its intention to extend the provisional duty for a further period of two months; whereas these exporters, who represented a significant percentage of the trade concerned, did not object;

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(1) OJ No L 339, 31.12.1979, p. 1.

(2) OJ No L 178, 22.06.1982, p. 9.

(3) OJ No L 214, 22.07.1982, p. 7.

(4) OJ No L 246, 21.08.1982, p. 5.

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duties on certain chemical fertilizer originating in the United States of America and exported by Allied Corporation, Transcontinental Fertilizer Company and Kaiser Aluminium Domestic and International Sales Corporation imposed by Regulation (EEC) No 1176/82 and amended by Regulation (EEC) No 2302/82 are hereby extended for a period not exceeding two months.

Article 2

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

Without prejudice to Article 11 of Regulation (EEC) No 3017/79 and to any different decision taken by the Council, it shall apply until the entry into force of an act of the Council adopting definitive measures or, at the latest, until the expiry of a period of two months beginning on 22 November 1982.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council